

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

JUAN ARENAS,

Defendant and Appellant.

B216729

(Los Angeles County
Super. Ct. No. TA105289)

APPEAL from a judgment of the Superior Court of Los Angeles County.
Eleanor J. Hunter, Judge. Affirmed.

Ann Krausz, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

Following denial of his motion to suppress evidence Juan Arenas pleaded no contest to one count of possession of marijuana for purposes of sale. (Health & Saf. Code, § 11359.) We affirm.

BACKGROUND

An information charged Arenas with one count of possession of marijuana for sale. (Health & Saf. Code, § 11359.) The information did not allege any prior felony convictions. Arenas pleaded not guilty to the charge.

On April 3, 2009, Arenas filed a motion pursuant to *Pitchess v. Superior Court* (1974) 11 Cal.3d 531. After an in camera hearing the court concluded that nothing discoverable was contained in the arresting deputies' personnel records.

On May 11 and 14, 2009, Arenas moved pursuant to Penal Code section 1538.5 to suppress evidence of his statements and of the marijuana. The hearing on his motions to suppress revealed the following:

On February 21, 2009, at approximately 7:00 p.m. two sheriff's deputies assigned to an Operations Safe Streets gang enforcement team were patrolling in a marked vehicle in Compton. As they drove by a mini mall, they saw four men standing in the parking lot drinking from what appeared to be beer containers. The deputies stopped to investigate a possible violation for drinking alcoholic beverages in public. One of the deputies shined a flashlight into the open rear passenger window of a red Nissan Pathfinder and on the backseat saw two bricks of what appeared to be marijuana packaged in clear plastic. The deputies detained the four men, including Arenas. When detained, Arenas spontaneously told the deputy "[t]hat's my vehicle. Whatever is in that vehicle is mine. No one else here has anything to do with it." The deputies retrieved the marijuana from the Nissan Pathfinder, as well as the beer cans from which Arenas and his codefendants had been drinking.

Arenas testified at the suppression hearing that he went to the mini mall to have dinner at a restaurant in the mall. He had just parked his vehicle and was about to exit the

driver's seat when the deputies drove up and shined a flashlight at him. All the windows in his vehicle were tinted and closed except for the driver's side window which was open a few inches. The deputies detained Arenas as he walked toward the restaurant. The deputies searched his vehicle without permission, found the drugs, and told him that he was under arrest. Arenas admitted that the drugs were his.

On cross-examination, Arenas admitted that he had a 2000 conviction for receiving stolen property and a 1997 felony conviction for grand theft.

At the conclusion of the hearing, the trial court denied Arenas's motions to suppress, finding that his version of the incident lacked credibility.

Following denial of his motions to suppress Arenas waived his constitutional rights and pleaded no contest to the charge of possession of marijuana for sale. (Health & Saf. Code, § 11359.) Counsel concurred in the plea and stipulated to a factual basis for the plea. The court found Arenas intelligently, voluntarily and knowingly waived his constitutional rights and that there was a factual basis for the plea. The court sentenced Arenas to the agreed term of two years in state prison and imposed related fines and fees.

Arenas timely filed a notice of appeal, stating that he was challenging the denial of his motions to suppress evidence pursuant to Penal Code section 1538.5. We appointed counsel to represent Arenas on appeal. After an examination of the record, counsel filed an opening brief in which counsel raised no issues. On December 1, 2009, we advised Arenas he had 30 days within which to personally submit any contentions or issues he wished us to consider. No response has been received to date.

We have examined the entire record and are satisfied that Arenas's counsel has fully complied with her responsibilities and that no arguable issues exist. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-278; *People v. Kelly* (2006) 40 Cal.4th 106, 112-113; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

DISPOSITION

The judgment is affirmed.

NOT TO BE PUBLISHED.

ROTHSCHILD, J.

We concur:

MALLANO, P. J.

CHANEY, J.